

Entered - 02-23-99 sb
CL 99L0114- GWENDOLYN BURNS

CLAIM OF:

02- *k* -1823

T. WOOD LOVELL
c/o GRIFFIN/OLVELL REALTY &
MANAGEMENT COMPANY
204 16th Street, NW
Atlanta, Georgia 30318

For property damages alleged to have sustained when a City vehicle side-swiped an apartment building on January 16, 1999 at 2045 Graham Circle, SE.

THIS ADVERSED REPORT IS
APPROVED

BY: *Rosalind Rubens Newell*
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY

ADVERSED BY
CITY COUNCIL NOV 04 2002

ADVERSE REPORT

PUBLIC SAFETY &

LEGAL ADMINISTRATION COMMITTEE

DATE: 10/29/02

CHAIR: *[Signature]*

[Signature]

[Signature]

[Signature]

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**CITY OF ATLANTA
OFFICE OF MUNICIPAL CLERK**

**RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK**

**55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103**

November 6, 2002

Mr. T. Wood Lovell
c/o GRIFFIN/OLYELL REALTY & MANAGEMENT
COMPANY
204 16th Street, NW
Atlanta, Georgia 30318

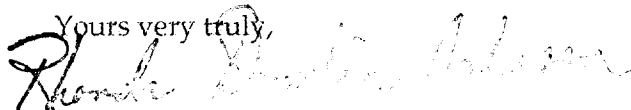
02-R-1823

Dear Mr. Lovell:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on November 4, 2002. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the **City Attorney's Office/Claims Division** at (404) 330-6400.

Yours very truly,


Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0114

Date: October 15, 2002

Claimant /Victim T. WOOD LOVELL
BY: (Atty) (Ins. Co.) c/o Griffin-Lovell Realty & Management Company
Address: 204 16TH Street, NW, Atlanta, Georgia 30318
Subrogation: Claim for Property damage \$ 2,000.00 Bodily Injury \$
Date of Notice: 2/18/99 Method: Written, Proper X Improper
Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X
Date of Occurrence 1/16/99 Place: 2045 Graham Circle, SE
Department PUBLIC WORKS Division Solid Waste Services
Employee involved Disciplinary Action:

NATURE OF CLAIM: Claimant alleges that his apartment building sustained damage when it was side-swiped by a sanitation vehicle during a trash pickup. However, there were no witnesses to the alleged incident and the claimant failed to report the accident to the police or the city sanitation facility involved in the accident.


INVESTIGATION:

Statements: City employee Claimant Others Written Oral
Pictures Diagrams Reports: Police Dept Report Other
Traffic citations issued: City Driver Claimant Driver
Citation disposition: City Driver Claimant Driver

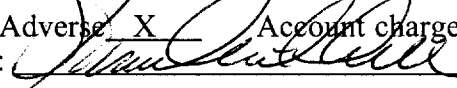
BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial
Improper Notice More than Six Months Other X Damages reasonable
City not involved Offer rejected Compromise settlement
Repair/replacement by Ins. Co. Repair/replacement by City Forces
Claimant Negligent City Negligent Joint Claim Abandoned

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ Adverse X Account charged: 1A01 2J01 2P01 2H01
Claims Manager:  Concur/date 10-16-02
Committee Action: Council Action

RCS# 4209
11/04/02
6:38 PM

Atlanta City Council

Regular Session

CONSENT I

Pgs. 1-10; Except 02-R-1871
02-R-1885; 02-O-1879
ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

Y Smith	Y Archibong	Y Moore	Y Mitchell
Y Starnes	Y Fauver	Y Martin	B Norwood
Y Young	Y Shook	Y Maddox	Y Willis
NV Winslow	Y Muller	Y Boazman	NV Woolard

CONSENT I

11/08/02 Council Meeting	
ITEMS ADOPTED ON CONSENT	ITEMS ADVERSE
AGENDA	ON CONSENT AGENDA
1. 02-O-1730	34. 02-R-1827
2. 02-O-1733	35. 02-R-1828
3. 02-O-1734	36. 02-R-1829
4. 02-O-1891	37. 02-R-1830
5. 02-O-1537	38. 02-R-1831
6. 02-O-1550	39. 02-R-1832
7. 02-R-1587	40. 02-R-1833
8. 02-R-1893	41. 02-R-1834
9. 02-R-1857	42. 02-R-1835
10. 02-R-1858	43. 02-R-1836
11. 02-R-1883	44. 02-R-1837
12. 02-R-1901	45. 02-R-1838
13. 02-R-1851	46. 02-R-1839
14. 02-R-1852	47. 02-R-1841
15. 02-R-1729	48. 02-R-1842
16. 02-R-1910	49. 02-R-1843
17. 02-R-1846	50. 02-R-1844
18. 02-R-1862	51. 02-R-1845
19. 02-R-1626	
20. 02-R-1855	
21. 02-R-1876	
22. 02-R-1815	
23. 02-R-1816	
24. 02-R-1817	
25. 02-R-1818	
26. 02-R-1819	
27. 02-R-1820	
28. 02-R-1821	
29. 02-R-1822	
30. 02-R-1823	
31. 02-R-1824	
32. 02-R-1825	
33. 02-R-1826	
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Consent I Vote: 13 Yeas; 0 Nays (See RCS #4209)	
Items Removed from Consent: 02-R-1871; 02-R-1885; 02-O-1879	
(Initial Consent Vote Reconsidered; See RCS #4162 & RCS #4208)	